

R E M A R K S

In the Office Action dated January 8, 2008, claims 1-4 and 6-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Gendron et al. Claim 5 was stated to be allowable if rewritten in independent form.

The rejection of claims 1-4 and 6-19 is respectfully traversed, for the reasons discussed below, and claim 5 has therefore been retained in dependent form at this time.

In the method and computerized system disclosed and claimed in the present application, multiple computers are available for processing items known as "studies," which is nomenclature well known to those of ordinary skill in the field of medical imaging, that is applied to sets of data, usually image data, that are acquired by an imaging examination apparatus. As explained in the introductory portion of the present specification, a large number of such images may be contained in such a study, thereby making the analysis thereof complicated and time consuming for a physician to undertake. As also noted in the introductory portion of the present specification, because of the time-consuming nature of analyzing all of the images in such studies, it is known to undertake such analysis by the execution of computerized processing algorithms acting on the image data. Also because of the large quantity of image data involved in such a study, the computational capacity required for such analysis is also large, to such an extent that it cannot always be assumed that any given computer at any given time will have the capacity, or the available computing time, to conduct the analysis of the study.

In the method and computer system disclosed and claimed in the present application, in order to have computers in a multi-computer system efficiently

analyze the study data within a number of studies, each study is assigned a priority code that indicates a relative priority for processing that study. Dependent on the priority code, a particular study is immediately processed in a computer (designated as a first computer in the claim language) of the system, or the study data for that study are intermediately stored in a memory for later processing of the study data thereof. The studies that are stored in the memory are allocated respective identifiers, in a processing job list. At respective later points in time, the studies stored in the memory are processed according to a predetermined sequence. This later processing ensues by an automatic check being made of the respective availabilities of further computers in the system, and the studies are respectively communicated to these further computers according to the processing job list, by providing the studies to one of the further computers having availability for processing the study.

In substantiating the rejection of the claims based on the Gendron et al. reference, the Examiner did not identify any computer in the system disclosed in Gendron et al. that processes an image study in the sense disclosed and claimed in the present application. The Gendron et al. reference is solely concerned with *routing* of items that are called “assets” in the Gendron et al. patent. The term “asset” is explicitly defined in paragraph [0007] of the Gendron et al. patent. Such an “asset” may include medical image data, among other information.

According to the routing rules disclosed in the Gendron et al. reference, these assets are routed to respectively different locations in a networked system, but there is no description anywhere in the Gendron et al. reference of any processing of the content of the assets, much less any processing of the image data thereof. This

being the case, there is no disclosure or suggestion in the Gendron et al. reference as to assigning any priority to the respective assets for the processing thereof.

It is possible that the Examiner may have (unjustifiably, in the opinion of the present applicants) equated the “transferring” of assets that is disclosed in Gendron et al. with some form of “processing” of those assets. Although Applicants believe this would be a definition of the term “processing” that would not be consistent with the understanding of that term possessed by those of ordinary skill in the field of medical image analysis, Applicants have nevertheless amended the claims of the present application to make clear that “processing” means conducting an automatic diagnostic analysis of the steady *data*. This means that “processing” does not simply refer to bulk transfer, or even bulk storage, of the image study, but requires an active diagnostic analysis of the *data* of the study.

Moreover, in substantiating the rejection of claim 1, and by extension claim 11, of the present application, the Examiner simply cited a larger number of paragraphs in the Gendron et al. reference, after citing portions of the claim language. There is no identification in the Office Action of how the Examiner considers those extensive paragraphs in the Gendron et al. reference to be applicable to the cited claim language. In view of the aforementioned absence of any teaching in the Gendron et al. reference to process the assets that are described therein, and therefore a corresponding lack of any teaching to prioritize such processing, Applicants are unable to find any correspondence between the paragraph cited by the Examiner in the Gendron et al. reference and the portions of the claim language also cited by the Examiner.

As noted above, the Gendron et al. reference is concerned only with a particular routing technique or protocol for the transmission of data. Only the transmission of images, or image data, via a network is controlled by the router that is disclosed in the Gendron et al. reference. This routing takes place dependent on bandwidth, with a special transfer bandwidth being assigned to various files to be transmitted, as described in paragraph [0030] of Gendron et al.

If the Examiner can identify locations in the Gendron et al. reference with more specificity that the Examiner believes are applicable to the language of the claims of the present application, Applicants will be glad to respond thereto. At the moment, however, Applicants are unable to identify any correlation between the large number of paragraphs in the Gendron et al. reference cited by the Examiner, and the details of the current claim language. Applicants therefore respectfully submit that the Gendron et al. reference does not disclose all of the elements of claims 1-4 or 6-19 as arranged and operating in those claims, and therefore the Gendron et al. reference does not anticipate any of those claims.

Early consideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,


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